

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FILED  
CLERK'S OFFICE

ANTHONY BAYAD ,

MAR 22 A 9 04

Plaintiff ,

CIVIL ACTION

CASE NO. 04-cv-10468-GAO

JOHN CHAMBERS, PATRICIA  
RUSSO, ANTHONY  
SAVASTANO and CARL  
WIESE,  
Defendants ,

JURY DEMANDED

**NOTICE OF FILING**

**PLAINTIFF PRO SE'S STATEMENT OF FACTS GIVEN AT THE  
HEARING ( March 22, 2005 ) AS MATTER OF RIGHT**

*1. Plaintiff Pro Se Statement Of His Violations Of His Statutory Rights*

Because Bayad is an American citizen of the this Country of ours the United States of America and citizen of the Commonwealth of Massachusetts for about 20 years and native of Morocco, plaintiff *Pro Se* Bayad was escorted out of this honorable house of Justice absent of any justification or any wrongdoing but simply because he was at thirst of pursuing “ *le chemin ( route) de la justice* ” and the practice of the mastering the rule of law that is unavailable to many white Americans of low incomes and minorities as Bayad, to defend his statutory rights set forth by the Constitution of this land, has been violated by the defendants in two [2] different jurisdictions at deferent venue. Defendants chambers et, al. are obviously hijacking the white race for their personal *vendetta* of hatred of race and its classification, using the Share holder ‘ money to defend them selves in this lost legal battle.

Thus because Defendants and their lawyers are very powerful and very connected in this country, they influenced some individuals to portray Bayad as a criminal and terrorist. The fact Plaintiff smiling picture was posted on the wall of the United State Marshall of this Court to intimidated him, to compare him as the Rapist and the fugitive name Nicholas the African American of the city of Atlanta Georgia and to be served as an example that Moroccans as Bayad or similar situated persons have no business in this Court. The fact show Bayad' case is Civil and has been on going for about 8 years, it commenced in Florida where justice is miscarriage ( please see Mr. Amado Navas' Declaration) and the same act has been reoccurring with same Defendants in Massachusetts. Additionally Plaintiff was outrageously and discriminatory accused of harassing and stocking the office of the Magistrate of this Court and that is a shame. Plaintiff was told to run like a "dog" if there is any personnel or members of the Magistrate of this Court on the street of any place of this Commonwealth of Massachusetts (race discrimination), and threatened to be arrested if Bayad sits in the Court to listen to any ruling and hearing of any case. These outrageous and unlawful misconduct is sign of depravation and isolation of race , classification of race, humiliation targeted the race , harassment based on race, depravation of rights based on race, defamation of race, inconsideration of humanity and race and disrespect of Bayad' race with same situated as him Moroccans and Arabs, and because in the eyes of some individuals (whom are influence by the Defendants attorneys), Bayad is a second class Citizen of the United States of America. These individuals defamed and conspired to interfere with Bayad ' rights and his rights of pursuing justice in this Court as white persons, with their ego ( higher power) have shown disrespect of its Citizens ( as Bayad) and have forgotten the Law of this land. Hence Bayad is an educated and an honest man , capable to bring them to Justice of any land of this planet for the violation of his rights and interfering of his right of due process (if there is one) to the Massachusetts House of the Governor and to the Massachusetts Supreme Court and the Massachusetts Bar Association and the United State Supreme Court or to any higher Office of this land and this include the

International Court of Justice. Although Bayad is on the verge of going public and exercising the use of his First [1] Amendment of his statutory rights , and since Plaintiff is a second [2]class citizen and proven he does not have a constitutional rights and if he did have one, he will be treated like an ordinary citizen of this land as a white person; And absolutely, he will have been protected by the law of his country, therefore he will not be disparately treated and put unemployed for about 7 years for being American race of Arab, by Defendants Chambers, Savastano, and Wiese.

2. Plaintiff Pro Se Statements of Respect and Sincere Appreciation to the Honorable District Judge George O'Toole and to the Honorable Deputy Clerk Paul Lynnnch and his staff ( intern-law-clerks)

The honorable Judge O'Toole and other Judges in this Honorable Court and this include Deputy clerk Paul Lynnnch, have treated Bayad as human being and permitted him to sit for the the duration of the entire one [1] year in their Court Rooms, to hear cases and to understand the Law. There was at no time that any one of them were threaten of the presence of Bayad or of any minority sitting in their Court Rooms have called the United States Marshall, or escorted Bayad or any persons of Arab or in similarity as Bayad out of the "House of Justice" <sup>1</sup>, that every Americans calls it : " the Guardian of the United States Constitution", many wonderful men and women, brothers and sisters, have given their lives for people like Bayad and others, can enjoy the freedom that this wonderful country "used to offer" , and call them selves proudly :

" *I am an American*" <sup>1</sup> living in land of the brave .

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<sup>1</sup> Plaintiff Bayad was born in 1967 in the Kingdom of Morocco ( Royal du Maroc), which is the first [1] sovereign Country among the seven continent in the world, first signed a treaty and recognized the issuance of the Independence of United States of America as a free nation. We as Americans celebrate the 14<sup>th</sup> of July as independence day, Furthermore the Moroccans and the North Africans Arabs descent, were the first race of people in this earth that built the first University in the world and it is called : ( see history) " University of Salamanca" situated in Spain the City of Salamanca, and the **Moroccan** were the first Country during the world war II who harbored and hidden the Jews residing in Morocco ( **half of Israelis residing in the Holy land Israel are from Morocco**) from German leader **Adolph Hitler**.( the record in Morocco shows **Hitler** called the Moroccan **King Mohamed V** and ask him if there are Moroccan Jews in his Country and the King replied absolutely none as we are a nation of Islam and Christian .

Additionally the honorable Judge O'Toole and other judges of this Court , are dedicated to treating all Human Being and this include all Americans with fairness, equity and in a manner that is right, during Bayad presence in their Court Rooms Bayad has noticed the rights were given to all people accordingly as justice and the law required, regardless of their demographic characteristics such as race, social class, or even gender.

The Honorable Judges ' ruling is and was always with the accordance to the myth of Justitia that every one deserves justice; "Justitia is blinded so that she may be impartial" and these Honorable Judges were always impartial and fair to everyone: Pro Se (s), Plaintiff (s), Defendant(s), Prison-Mate (s), and even Illegal immigrant (s) group (s) of them were even Moroccans and Arabs of descent.

A. Plaintiff 'Statement of Correction to the Fact Finder [tier of fact] to the Misleading Facts of the Desperation act by Defendants and their Attorneys

1. **Definition of Discrimination**

"To discriminate is to make a distinction, to make a difference in treatment or favor, and those distinctions or differences in treatment or favor which are prohibited . . . are those which are based on any five of the forbidden-criteria : race ( applies § 1981), religion, sex , and national origin. Any other criterion or qualification is not affected by this title."

There is, within this understanding, no right to freedom from distinction in treatment as such.

There is no right to freedom from refusal to hire, discharge, lay off or other employment-related action, and therefore justice must intervene as matter of moral principals and of rights.

2. In Reeves v. Sanderson plumbing Products, Inc. 530 U. S. 133, 147-49 (2000).

The Supreme Court states :

" that proffering a false reason for the challenged action would ordinarily support the inference that real reason was unlawful, and such proffer may be made in the Defendants ' origin explanation to the plaintiff, in its position statement to the (EEOC) or other enforcement agency, in its response to discovery, in its pretrial Court Filing, or in its efforts to confuse Jury during opening or closing statements. In none of these Situations is the Plaintiff barred from relying on the employer's deceit unless the employer attempts to repeat the

deceit in the evidence it offers at trial. Nowhere in the law is there rule that a liar suffers adverse consequences only if he or she repeats the lie in Court. "

Therefore when Defendants or their Lawyers, at different times, gives different and arguable inconsistent explanations for terminating Bayad 'employment with Cisco and with other claims stated herein, Jury may infer that articulated reasons are pretexts for race discrimination. See Dominguez-Cruz v. Shuttle Caribbean, Inc. 202 F.3d 424, 431-32, (1st Cir.). Defendant inconsistent or changing Explanation in this litigation probably they were thinking to evade the Worker Adjustment and Retraining Notification Act ( WARN). See 29 U.S.C §2101 et seq. ; 20 CFR 639. Unfortunately this case is about race discrimination a violation of the Law set forth By Congress and the Federal Court has Jurisdiction. During Bayad 'Employment 'termination with Cisco Defendants, [1] told him that the economy is the cause of his termination that the Cisco Shares were falling and the weak economy is the factors; [2] during the litigation Defendants attorneys told and provided to Bayad the cause for his termination is the down Sizing and used in conjunction the restructuring and re-organization ( simultaneously) and provided a contract stating in it the forgoing stated herein; [3] The attorneys for the defendants during the Pretrial Conference stated for the records that Bayad was terminated with two other white guys; [4] Defendants attorneys introduced a summary judgment and stated the real cause for Bayad ' termination was simply because Bayad was a "Junior" ; [5] Defendants attorneys in their summary judgment stated the cause for Bayad termination that he was less utilized than others in his groups; [6] Defendants and their attorneys stated again the cause of Bayad termination is simply did not become a Cisco Certify Internetworking Expert ( "CCIE") and therefore he was terminated and even though others were not CCIE ( Bob Tracy, Mike Ilpilito, Brian Low , Jeremy Nooman, Lynn Fraser , or others similar situated); [7] Defendants and their attorneys stated in their summary judgment that the cause of Bayad termination simply Bayad did not do any work with any Cisco Customers even his Manager Lynn Fraser and his Directors Schumacher rated Bayad ' customer satisfaction as 4.6

out of 5.0 ( Excellent) and had him fly every where in the country to train Cisco Customers, Bob Tracy , Mike Ilppolito, and even provided training to Jeremy Nooman, Brian Low, and Lyn Fraser to become Cisco Design Specialist ( a Cisco entry level exam of Internetworking easy to pass);

[8] Defendants and their attorneys stated in their summary judgment that Defendants are not Cisco as it is a clear denial , but on March 7<sup>th</sup> they submitted to Bayad their answer to Bayad that is docketed before this Court and provided herein and state from line 68 to line 205 that Cisco are Defendants again and again Attorney Bruce Falby stated Cisco Defendants as he admitted;

[9] Defendants and their Attorneys stated that Carl Wiese was never a Vice president of Sales and that his Job Title now is a Cisco Area Vice President for advanced technology and Defendant Wiese in this litigation his title was proven that he is and was a Vice President of Sales as it was introduced herein the picture of defendants and their titles in Bayad Complaint and in the set of admissions during the short discovery, their denial is clear fact that Defendant Wiese did discriminated and interfere with Bayad ' Business and his CCIE and his re-hiring back with Cisco;

[10] Defendants and their attorneys denied any involvement with the administering or scoring of CCIE , but they admit that Defendant Chambers is the one who sent personal letter signed by him and personally congratulate those white guys who pass the CCIE test; [11] Defendants and their attorneys admit that Bayad had flown at Cisco Expenses to Europe and Africa and during his trip that he was considered on Business, therefore he was on Cisco Payroll , but in their summary judgment they denied of any interview have taken place, then they introduced a sworn statement of a Lawyer acting as a Human Resources and named Paula Hughes who stated that Bayad was interviewed in United Arab Emirate city Dubai, France Paris, and England London for the Position as System Engineer or lead Egeineer; [12] Defendants and their attorneys stated in their summary judgment that Bayad was not provided the position in North Africa simply because Cisco has a policy that any transferred changed to Promotion only occur within one year of Bayad employment with Cisco, the fact shows Bayad did not apply for a promotion but simply for a transfer, the grade

of Project Engineer II is higher than of System Engineer. The System Engineer is a sale man and project Engineer II is highly technical supporting the System Engineer after the customer deal is close. Indeed Bayad was involve in the interview process for the entire month of October, the European and the Arab Manager(s) advised Bayad that they will not bring him for an interview until he ( Bayad ) has been with the company for 6 Month duration , thereafter Bayad was flown on November 3<sup>rd</sup> as defendant admitted of Bayad ' employment was 6 month, and furthermore according to Cisco European and Arab Managers the decision to hire or transfer someone falls on decision of Managers and Vice President of that area, and within the necessity and the criticality of filling the position to fulfill the need of Cisco Customers and businesses need; [13] Defendants and their attorneys stated in their summary judgment, Bayad ' Manager Lynn Fraser who entered into denial that she was never informed for Bayad seeking such position, the fact shows Cisco European and Arab Managers and Vice President approval (as stated in the No-Hire-Police), before a Manager process with an interview the Manager ( as Lynn Fraser and his Vice President) must be notified as the European and the Arab Manager have complied with , or otherwise they will not interviewed Bayad for the North Africa position nor they will spent their time and money to fly him to three (3) countries France , England , and United Arab Emirate, Furthermore Bayad was flown and was on Cisco payroll and expenses and was scheduled to fly Friday November 3, 2000, arrived to Dubai on November 5 , 2000 and left Dubai November 6, 2000 to Paris flew to London the 7<sup>th</sup> and returned the Cisco Lexington the 9<sup>th</sup> back to work and the total is a week and defendants and their attorneys admit that Bayad did not seek or received paid time off (PTO) at any time during the month of November when Bayad was traveling for Europe and Africa and Bayad was on Cisco Payroll as normal Business trip as it was a Business trip; [14] The defendants and their attorneys admit that the Cisco-No-Hire-List exist but they denied that Defendant Savastano was aware of it and even though they introduce to Bayad an Exhibit showing Savastano in constant communication with the director of **human resources Celia harper-guerra** who is



responsible in administering the List of Cisco-No-Hire-List and furthermore the list state the following : “ interviewing may not occur with any company on this list until the Cisco Manager serving that customer/partner/approves. To identify the Cisco Manager , please visit StarViper at : <http://www.win.cisco/CustAdv/InfoSys/Sales/Star/Viper/>. After receiving approval to continue their application, Cisco recruiter must contact the applicant ‘ s current manager to confirm. Interviewing should only occur after the responsible Vice President ( as Savastano) approves, No target recruiting efforts within these companies . Should you have questions, contact **Celia harper-Guerra**. “ [15] Defendants and their attorneys introduced as defense the use of the date of September 10, 2000 and bridged it with the rehiring of Bayad in the year of 2003 to disrespectfully mislead the Court and Bayad as it is an act of desperation. The fact drawn herein Bayad was classified in that list the Cisco-No-Hire-List on Month of October and November of the year 2000 disparately denying the transfer to North Africa or any opportunity during Bayad ‘ employment at Cisco between the year 200 to present time, knowingly Bayad will become protected by European and Arab manager ( s ), whom are not racist as the defendants Wiese and Savastano, in the country the United States of America. Furthermore the Software tracking build in Microsoft Excel Sheet modification icon detailing the tempering is impossible without being stamped and notified of such actions as Bayad provided two copies of the Cisco-No-Hire-List to the Court and to the Defendant of total of 4 identical copies, Bayad will provide a demonstration to this Court the action of race discrimination of Savastano, additionally Defendants provided to Bayad the Cisco-No-Hire-List during discovery admitting to it. [16] Defendants and their attorneys provided in their summary judgment of a Lawyer named Paula Hughes ‘ swear declaration which stated that the Cisco-No-Hire-List did not contains any Minorities ‘ name in it (as it does contain) and the Cisco-No-Hire-List doesn’t “exist” at **present time**, and she used in her sentence the present time but it did exist before; [17] Defendants and their attorneys stated in their



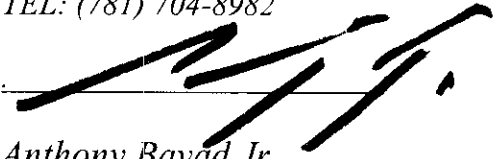
summary judgment that Bayad did apply for position but in their defense the position was given to “the best white Cisco Employee of the month”, as it is outrageously a lie. The fact drawn herein, was introduced in the commencement of this litigation, Defendants and their attorneys were in concert of destroying evidence attached as exhibit in Bayad ‘ Complaint ( Dkt.1) and Titled “AVAYA DOCUMENT”, they lost credential in this litigation. Moreover Cisco Manager(s) during Bayad ‘ employment when a position is available they sent an internal Electronic Mail encouraging Cisco employees to apply or to reference family friends of Cisco, and in case no one applied thereafter it is posted for the Public to apply as Bayad have done. [18] The Defendants and their attorneys denied completely that Bayad has communicated with Mike Kent for an open position within Cisco nor he was considered nor an application was sent to him nor any correspondence of Mike Kent stated to Bayad that “ the Decision is standing with manager(s) (meaning Defendants Wiese and Savastano) “. Bayad has produce evidence attached as exhibits of such said communication in his complaint ( Dkt1.) of Mike Kent, Robert Bardani and of Cisco Systems in regard of Bayad ‘ application and rehiring process set forth by Cisco during the year 2003 to present time. [19] Defendants Savastano and Wiese and their attorneys openly denied in their summary judgment and without fear ness of committing perjury that they even met or knew Defendant Chambers the President of Cisco as they are all Vice President (s) of Cisco members of the office of the President of Cisco, it is a shame; The fact drawn Defendant Anthony Savastano has worked with him ( Chambers) at the Company Wang Laboratory and Defendant Chambers promoted Savastano after Bayad ‘ termination from Director of Finance to Vice President of Finance and Wiese was hired as Vice president of Sales a position that is only approved by President of Cisco Defendant John Chambers, the denial or lies is served only to evade the count of retaliation and conspiracy and to shield and provide immunity to Defendant Chambers, who ‘s the close friend of Savastano, who hired Wiese and promoted his friend from Lucent to Cisco System Engineer Manager Mr. Dale Ronowski, a white person. Defendants and their attorneys

briefly passed and argued on the count of the CCIE that is only available to white people and not to minorities; And [20] The Defendants and their attorneys briefly passed and argued on the Count of breach Contract. Thereby Plaintiff ' defense Please refer to the Cross-Motion for Summary Judgment and the preponderance of evidence and the complaint ( Dkt.1), filed before this Honorable Court, also for all Bayad ' counts stated and requested for relief ( Jury Demanded) Thus the fact drawn herein with the support of evidence that at different times defendants and their attorneys have given different and arguable inconsistent explanations for terminating Bayad ' employment with Cisco, and it is a prove that articulated reasons are thus a reason of a race discrimination of employment. Roge v. NYP Holding, Inc. 257 F.3d 164, 170 (2d Cir). Defendants ' counselor' various explanation and statements and records, attempt to conceal its true reason for taking the challenge action which can be considered lies. In Reeves Sanderson Plumbing Products, Inc. 530 U. S. 133, 147-49 (2000); See Santiago-Ramos v. Centennial P.R. Wireless Corp., 217 F.3d 46, 56 (1<sup>st</sup> Cir.); See horwitz v. Board of Education of Avoca School District No. 37, 260 F.3d 602, 614-15 ( 7thCir.); Also Cardenas v. AT&T Corp., 245 F.3d 994, 999 ( 8th Cir.). Additionally most of the arguments stated in Defendants 'Summary Judgment misstated the facts and the law in the Defendants ' favor and thereby, directly prejudicing Bayad proceeding Pro Se, as it is easy to win a case when you can change the law and misleading the facts as they have introduced 400 pages of communications between Bayad and the Attorneys attacking Bayad ' Character , contradicting the Federal Rules of Evidence 404 which state the following : " Fed. R. Evid. 404 preclude of a person 'character or prior acts to prove action in conformity..." and all the conversation were recorded after the Law suit were filed March 8, 2004, considered out the scope of this litigation as Bayad has the right for a free speech, which is absent of any treat of any violation of the law or to any one and this include the Lawyers or any one who felt threaten. the First Amendment Of The United States Constitution.

**CERTICATION OF SERVICE**

Cc: The Honorable Court  
The Honorable Chief Magistrate Judge Presiding  
The Counselor for the Record Mr. Bruce E. Falby  
The Plaintiff Pro Se Anthony Bayad Jr.

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